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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHOW, MING

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,857	MONTEBOVI, FRANCO	
	Examiner	Art Unit	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) *10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-9, 11-14, drawn to special services of a mobile device, classified in class 455, subclass 414.1.

II. Claim 10, drawn to remote data accessing, classified in class 709, subclass 217.

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention II does not require the particulars of the invention I. The subcombination has separate utility such as a mobile telecommunications device.
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Donald Stout on 7-14-05 a provisional election was made with traverse to prosecute the invention of 09/941857, claims 1-9, 11-14. Affirmation of this election must be made by applicant in replying to this Office Action. Claim 10 is withdrawn

from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is advised that the reply to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4, 7-9, 12, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Oosterholt et al (US: 2001/0008399).

Regarding claims 1, 7, 9, 12, 13, Oosterholt et al teach on section [0010], mobile phone (claimed "mobile telecommunications device").

Oosterholt et al teach on Fig. 1, item 202 of Fig. 2, Fig. 3, section [0017], using the cursor to click history means to display visited web pages and to click the history list for navigating selected web pages. The cursor is the claimed "a key". The cursor clicks the history list is the claimed "first mode". The cursor clicks history means is the claimed "second mode".

Regarding claim 2, Oosterholt et al teach on item 207 Fig. 2, backward means.

Regarding claim 3, Oosterholt et al teach on item 208 Fig. 2, forward means.

Regarding claim 4, the selection of history list for navigating a web page and the selection of history means for displaying visited pages are operated non-simultaneously. The period of operating the key (left key of a mouse) for each mode is a design choice.

Regarding claim 8, Oosterholt et al teach on section [0010], PDA.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterholt et al, and in view of Moriya et al (US: 6727891).

The modified system of Oosterholt et al as stated in claim 1 above failed to teach "a scrolling key". However, Moriya et al teach on column 1 line 7-8, column 3 line 48-64, scrolling a display by moving a cursor on a mobile telephone.

It would have been obvious to one skilled at the time the invention was made to modify Oosterholt et al to have the scrolling key such that the modified system of Oosterholt et al would be able to support the system users convenience of scrolling display.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterholt et al, and in view of Fascenda et al (US: 6304746).

The modified system of Oosterholt et al as stated in claim 1 above failed to teach "a further key". However, Fascenda et al teach on column 3 line 49-50, column 8 line 11-17, selecting a page by using the return key on a wireless communication device.

It would have been obvious to one skilled at the time the invention was made to modify Oosterholt et al to have the further key as taught by Fascenda et al such that the modified system of Oosterholt et al would be able to support the system users convenience of selecting a page by a further key.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterholt et al, and in view of Nicolas et al (US: 6593944).

The modified system of Oosterholt et al as stated in claim 1 above failed to teach "WAP". However, Nicolas et al teach on column 11 line 39, WAP.

It would have been obvious to one skilled at the time the invention was made to modify Oosterholt et al to have the WAP as taught by Nicolas et al such that the modified system of Oosterholt et al would be able to support the system users to access different protocol enabled web pages.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general mature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow

FAN TSANG
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